

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNETTE POLLOCK, VICTOR VIERA,  
JR., and MISAEEL FERNANDEZ, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

-against -

LEGENDS HOSPITALITY, LLC, and  
NEW YORK YANKEES PARTNERSHIP,

Defendants.

Case No. 12-civ-8334

Hon. Thomas P. Griesa

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Legend Hospitality, LLC's Motion to Dismiss Plaintiffs' Class Action Complaint, the Declaration of Daniel Smith, the Declaration of Donald Croce, and the Declaration Lonn Trost, and all prior pleadings and proceedings herein, the undersigned attorneys for Legends Hospitality, LLC ("Legends") will move this Court at such time as the Court designates, before the Honorable Thomas P. Griesa, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007 for an ORDER pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Legends' Motion to Dismiss Class Action Complaint ("Complaint") filed by Plaintiffs Annette Pollock, Victor Viera, Jr., and Misael Fernandez, on behalf of themselves and all others similarly situated, because the Complaint fails to state a claim upon which relief can be granted.

DATED: February 1, 2013

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/s/

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